

R E M A R K S

By this amendment, new claims 12-21 have been presented. Independent claim 12 and dependent claim 13 are new, whereas new claims 14-21 largely correspond to canceled dependent claims 3 and 5-11 (except, of course, for their dependency on new claim 12 rather than canceled claim 2).

The specification has also been amended to merely add a verbal description of the defined pouch clearly shown in the Figures and now recited in the claims.

The new claim program is believed to be allowable over the references.

Saraceni et al. U.S. Patent No. 3,337,770, Cockrell U.S. Patent No. 2,630,636 and Jarrett U.S. Patent No. 1,748,607 all disclose protective shoe or foot coverings which are made of flat materials which are folded up over a shoe or foot to provide some protection. Seams through which undesirable materials may pass remain after the folding. For example, it should be easily recognized that all three of these prior art "coverings" would, after being folded over a user's shoe or foot, relatively easily fill with a liquid by seeping through the folded seams if a wearer were to stand for even a short period of time in a pool of liquid.

By contrast, as now recited in the claims, applicant's invention forms a pouch which may be entered only through an opening in the ankle-covering portion, thereby providing a full measure of protection for a wearer's shoe or boot which

cannot possibly be provided by the folding structures of the principal references as described above.

Of course, the invention is more than a mere pouch, however, and further includes, *inter alia*, a foot-covering portion foldable onto itself from the toe end towards the heel end, heel and toe portions, and a fastener on the foot-covering portion adapted to fasten said folded toe end to said foot-covering portion when folded onto itself, whereby the foot-covering portion can be adjustably sized. This structure thus advantageously provides not only the full protection as described above, but does so while also allowing it to be used for virtually any size shoes or boots without requiring that a large inventory of different sizes be maintained.

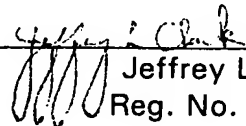
New claim 13 further recites the inclusion of the wear-resistant sole secured to the bottom of the foot-covering portion, which sole is folded up around the toe when the foot-covering portion is folded onto itself. This separate sole not only provides for good wear resistance on the bottom while also allowing for the desired folding flexibility of the foot-covering portion, but it also provides further durability in the toe of the protective boot to prevent possibly detrimental damaging of the protective boot due to stubbing the toe as frequently may occur in many uses.

Early notification as to the allowability of claims 12-21 is respectfully
requested.

Respectfully submitted,

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER

By



Jeffrey L. Clark
Reg. No. 29,141

November 21, 2003

500 West Madison Street
Suite 3800
Chicago, IL 60661-2511
(312) 876-1800